IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4279 of 1996

Between:

1 Nusum Narayana Reddy S/o. Koti Reddy
Laxmipuram Burgampahad Mandal
Khammam Dist
2 Som Narayan Reddy S/o. NarsiReddy
Laxmipuram Burgampahad Mandal
Khammam Dist

..... PETITIONERS

AND

1 The State of Andhra Pradesh rep.by the District Collector
Khammam District at Khammam
2 The Mandal Revenue Officer, Burgampahad Mandal
Khammam Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records relating to the impugned proceedings of the respondent Mandal Revenue Officer, Burgampahad, Khammam District issued in Rc.No.B/620/94, Dt.10/1/1996 and quash the same as arbitrary unjust, improper, illegal and violative of the principles of natural justice and unconstitutional and unreasonable and consequently directing the respondents not to disturb the petitioners from cultivating the lands in Sy.Nos.364/4, 368/51 admeasuring Ac.2-45 cents and Ac.4-25 cents in Laxmipuram Village, Burgampahad Mandal, Khammam Dist.

Counsel for the Petitioner: MR.G.V.L.N.MURTHY

Counsel for the Respondents : GP FOR ASSIGNMENT

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.4279 OF 1996

ORDER:

This writ petition is filed questioning the proceedings dated 10.1.1996 in Rc.No.B/620/94, issued by the second respondent-Mandal Revenue Officer, Burgampahad of Khammam District where under the second respondent, in exercise of powers under A.P.Assigned Lands (Prohibition of Transfer) Act,1977, ordered eviction of the petitioners from the land in Sy.No.368/34 and 368/51 admeasuring Ac.2.45 and Ac.4-26 respectively, situated in Laxmipuram village, H/o.Burgampahad of Khammam District.

As per Section 4(a) of the Act, remedy of appeal lies to the Revenue Divisional Officer against the orders of the Mandal Revenue Officer. There is no reason to bypass the said remedies of appeal and revision, provided under the Act.

In that view of the matter, I dispose of the writ petition permitting the petitioners to prefer the appeal before the Revenue Divisional Officer concerned, within a period of six weeks from the date of receipt of this order. If such appeal is preferred, the appellate authority shall entertain and dispose of the same on merits. Pending disposal of the appeal, the petitioners shall not be dispossessed from the lands in question. However, if no such appeal is filed within the time stipulated, it is open for the respondents to take steps for implementation of the order dated 10.1.1996.

The writ petition is disposed of accordingly. No order as to costs.

JUSTICE R.SUBHASH REDDY

Dt.02.2.2005.

Mdaa

Copy to:

1 The District Collector,
Khammam District at Khammam
2 The Mandal Revenue Officer, Burgampahad Mandal
Khammam Dist

3. Two C.Cs to G.P.for Assignments, High Court of A.P., Hyderabad (OUT)

4. Two C.D.copies.